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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,280	10/22/2003	Michael J. Wookey	30014200-1123	4926

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EXAMINER
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HICKS, MICHAEL J

ART UNIT	PAPER NUMBER
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2165

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10/30/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/691,280	<b>Applicant(s)</b> WOOKEY, MICHAEL J.	
	<b>Examiner</b> Michael J. Hicks	<b>Art Unit</b> 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-6 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6 and 8-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All. b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-2, 4-6, and 8-10 Pending.

Claims 3 and 7 Canceled.

***Response to Arguments***

2. Applicant's arguments filed 8/7/2007 have been fully considered but they are not persuasive.

As per Applicants arguments that O'Shea fails to teach the limitation of the datatype having a reference to a data instance that is maintained separately from the datatype, Examiner respectfully disagrees. The abstract of O'Shea teaches that the conversion may take place at a remote conversion engine. Firstly, this indicates that the data instance and the datatype may be stored in separate locations. Secondly, the fact that the datatype may be remote from the data instance further indicates that for a conversion to take place, the datatype must be sent a reference to the remote data instance that it is to convert. At the time the datatype receives the reference to the data instance the reference will be included in datatype.

In light of the above arguments the rejection will be updated to reflect the amendments made to the claims and maintained.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-6, and 8-10 rejected under 35 U.S.C. 102(b) as being anticipated by O'Shea.

As per Claims 1, 5, 9, and 10, O'Shea discloses a computer implemented method, system, and tangible computer-readable medium containing instructions that cause a program in a data processing medium to perform a method comprising the steps of: asynchronously receiving a plurality of data instances (i.e. *"The invention is directed to a system for enabling data consumers to receive information from data producers and participate in collaborative database development in a data type such as audio, video, graphic or traditional text selected by each consumer...Forum content or data can be created and sent over a network, such as the Internet, by a data producer 14. The data producer 14 may be a user like the data consumer 12, or the data producer 14 may simply provide data to the network communication system 10."* The preceding text excerpt clearly indicates that the data instances (e.g. forum data) is sent to the system, and thus received at the system, asynchronously. Note that as a plurality of producers may send a plurality of data instances individually, there is no synchronization of the receiving.) (Column 3, Lines 59-63; Column 4, Lines 42-46), each data instance having one of a plurality of formats (i.e. *"The forum data is sent in a producer language and format, such as English text. The producer forum data is received by a conversion manager 18 equipped to convert the English language data to one or more different languages or data types, preferably in accordance with previously identified preferences of the data*

*consumer 12 stored in a consumer profile 20. The converted information can then be sent over the network to the data consumer 12 in her desired language or data type.*" The preceding text excerpt clearly indicates that each data instance may have one of a plurality of formats. Also note Column 5, Lines 16-36) (Column 4, Lines 46-54); and providing a datatype of a first format for each data instance (i.e. *"The forum data is sent in a producer language and format, such as English text. The producer forum data is received by a conversion manager 18 equipped to convert the English language data to one or more different languages or data types, preferably in accordance with previously identified preferences of the data consumer 12 stored in a consumer profile 20. The converted information can then be sent over the network to the data consumer 12 in her desired language or data type."* The preceding text excerpt clearly indicates that format has a corresponding datatype. Also note Column 5, Lines 16-36) (Column 4, Lines 46-54), each datatype having a reference in the first format to the respective data instance (i.e. *"The forum data is sent in a producer language and format, such as English text. The producer forum data is received by a conversion manager 18 equipped to convert the English language data to one or more different languages or data types, preferably in accordance with previously identified preferences of the data consumer 12 stored in a consumer profile 20. The converted information can then be sent over the network to the data consumer 12 in her desired language or data type...Alternatively and preferably, the forum data from the data producer 14 is converted and integrated into one or more converted databases 22, 24, 26. Each converted database 22, 24, 26 can be a replication using replication technology referred to here as a replicator 28, in a converted data type, of a corresponding database 32 in the producer data type. The network communication system 10 can manage a large number of converted databases, the three illustrated only being an example...The conversion step of the invention can be utilized to perform any of a number of conversions to bring data in a language and format that is desired by the data consumer 12. Other data format conversions besides language text translation could include conversions of text and document formats (txt, doc, html, sgml, TeX, LaTeX, TROFF or pdf), graphic formats (GIF, JPG, DIB, GIF89, PNG, TIFF, BMP, or VRML), compression formats (gzip, zip, tar, arc, zoo), sound formats (wav, au or midi) and video formats (mov, avi, mpeg, or*

*dvd). These formats are only examples, and other format changes could also be made within the scope of the invention. Conversions may occur between homogeneous file types in each category. Conversions may also include heterogeneous types, for example, text to speech, speech to text, video to audio, and audio to text. File formats that contain both audio and video could be converted to audio or text. Video could be converted to stills, and a still graphic could be converted to an audio or text description of a scene. These formats are merely examples, and any data type conversions could be offered as conversion technology develops and permits.*" The preceding text excerpt clearly indicates that in order to perform the indicated conversions, metadata must exist to describe the data instance which is converted to that datatype. Note that the datatype specific databases include references to the data instances. Specifically, the fact that the datatype may be remote from the data instance indicates that for a conversion to take place, the datatype must be sent a reference to the remote data instance that it is to convert. At the time the datatype receives the reference to the data instance the reference will be included in datatype.) (Column 4, Lines 46-63; Column 5, Lines 16-36), the data instances being maintained separately from the datatypes (i.e. *"The converted information can then be sent over the network to the data consumer 12 in her desired language or data type... Alternatively and preferably, the forum data from the data producer 14 is converted and integrated into one or more converted databases 22, 24, 26."* The preceding text excerpt clearly indicates that the data instances are stored at the producers and consumers, or in a database, while the data types are stored at the server/conversion manager.) (Column 4, Line 52-57).

As per Claims 2 and 6, O'Shea discloses publishing one of the plurality of datatypes, wherein the respective data instance is not published with the datatype (i.e. *"The data conversion can be performed in a variety of ways. The conversion manager 18 can include one or more conversion engines for translating from the producer language to the consumer languages of the converted databases 22, 24, 26. A number of different language conversion engines 30 can be resident with the conversion manager 18. Alternatively, the conversion manager 18 can publish the forum data*

*from the producer 14 over the network to another server or servers that house the conversion engines 30 for the desired language or data type. The remotely converted data can then be retrieved by the conversion manager 18 and either further converted or published to the data consumer 12.*

*The conversion engines 30 can be viewed as "black boxes" that accept a language or data type for conversion to another language or data type, for example, English text to Spanish. However, the "black box" may be any type of conversion technology, for example, written English to spoken Spanish, or motion picture to still frame graphics...A data consumer can choose to participate in multilingual forums preferably through a subscription-based process. Each data consumer preferably identifies over the network to the network communication system the forum she wishes to participate in, the preferred data types, such as languages, and optionally billing information if the network communication system bills for its services. The information is preferably maintained in the user profile stored by the network communication system, and conversions can be performed in accordance with these stored preferences."*

The preceding text excerpt clearly indicates that the datatypes are published to the consumers, before any data instances may be received.) (Column 4, Lines 55-67; Column 5, Lines 1-15, 63-67; Column 6, Lines 1-5).

As per Claims 4 and 8, O'Shea discloses the reference to the data is a pointer (i.e. "Alternatively and preferably, the forum data from the data producer 14 is converted and integrated into one or more converted databases 22, 24, 26. Each converted database 22, 24, 26 can be a replication using replication technology referred to here as a replicator 28, in a converted data type, of a corresponding database 32 in the producer data type. The network communication system 10 can manage a large number of converted databases, the three illustrated only being an example." The preceding text excerpt clearly indicates that datatype specific databases contain references to the data instances. Note that pointers are used in databases as references to files.) (Column 4, Lines 55-63).

***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Hicks whose telephone number is (571) 272-2670. The examiner can normally be reached on Monday - Friday 10:00a - 7:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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